

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-4 and 6-15 are pending. Claim 5 is canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 1-4 and 6 are amended, and claims 7-15 are added. Claims 1 and 6 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner has stated that claims 2 and 5 would be allowable if rewritten in independent form.

The Applicant appreciates the Examiner's early indication of allowable subject matter. In response, independent claims 1 and 6 are amended herein to include the allowable subject matter of claim 5. Claim 5 is canceled.

Accordingly, independent claims 1 and 6, and the claims depending therefrom are in condition for allowance.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicant at this time.

Drawings

It is gratefully acknowledged that the Examiner has accepted the drawings filed on February 19, 2002.

Acknowledgement of Information Disclosure Statement

The Examiner has acknowledged the Information Disclosure Statement filed on July 1, 2002. An initialed copy of the Form PTO-1449 has been returned by the Examiner. No further action is necessary at this time.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

In order to overcome this rejection, claims 1-4 are amended herein to address each of the issues specifically pointed out by the Examiner. Claim 5 is canceled. Applicant respectfully submits that the claims, as amended, properly set forth the structural elements claimed, and particularly point out and distinctly claim the subject matter which Applicant regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. §102(b)

Claims 1, 3, 4, and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by Peterson et al. (U.S. 5,487,827). This rejection is respectfully traversed.

Amendments to Independent Claims 1 and 6

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claim 1 is amended herein to recite a combination of elements directed to a dialyzer system, including the allowable subject matter of now-canceled claim 5.

In a similar manner, independent claim 6 is amended here to recite a combination of method steps directed to a method for operating a dialyzer system, including the allowable subject matter of now-canceled claim 5.

Applicant respectfully submits that the combinations of elements and method steps as set forth in independent claims 1 and 6 are not disclosed or made obvious by the prior art of record, including Peterson et al.

The Examiner is advised that dependent claims 7 and 8 are added, depending from independent claim 6. Dependent claims 7 and 8 correspond to dependent claims 2 and 3.

In view of the above described amendments and arguments, independent claims 1 and 6 and the claims depending therefrom are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

Added Independent Claim 9 and Dependent Claims 10-15

Independent claim 9 is added to recite a combination of elements directed to a dialyzer system, including a dialyzer having a dialysate outflow line and a dialysate inflow line;

an ultrafiltration unit connected to the dialyzer by the dialysate outflow line and the dialysate inflow line for regulating a rate of an ultrafiltration process by regulating an outflow rate of a dialysate from the dialyzer to a rate greater than an inflow rate of the dialysate to the dialyzer;

pressure-detecting means arranged in one of the dialysate flow lines to detect a pressure of the dialysate; and

control means for regulating and controlling said ultrafiltration unit to temporarily stop or resume the ultrafiltration process and for determining a pressure of a blood flow line connected to the dialyzer on the basis of the pressure of the dialysate detected by the pressure-detecting means, said control means comprising:

timer means for alternately generating signals to temporarily stop and to resume the a ultrafiltration process;

calculating means for determining the pressure of a blood flow line on the basis of the pressure of the dialysate detected by said pressure-detecting means at a time of a temporary stop of the ultrafiltration process caused by the temporary ultrafiltration-stop signal from the timer means; and

means for monitoring and displaying the determined pressure of the blood flow line.

Support for added independent Claim 9 can be found in the specification, for example, in paragraphs [0026]-[0030]. According to the present invention, the pressure of the blood flow line is basically determined on the basis of the pressure of the dialysate at a time of a temporary stop of the ultrafiltration (cf. Paragraphs [0031]-[0034] of the

description). It is to be noted that the pressure gradient in the blood flow line is an optional factor and is not necessarily required for the determination of the pressure of the blood flow line.

The Applicant respectfully submits that the features defined in claim 9 are fundamentally different from those of the cited references. Accordingly, independent claim 9, and the claims depending therefrom, are in condition for allowance.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

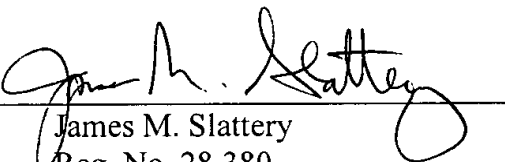
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

Application No. 10/076,488
Amendment dated December 1, 2003
Reply to Office Action of July 31, 2003

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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By 
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0020-4958P
Attachment
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